

1 Thomas M. Moroughan

2 MR. GRANDINETTE: Submit a demand

3 and we will take it under advisement.

4 BY MR. CLARKE:

5 Q What is your Medicaid number?

6 A I don't even know.

7 Q When did you begin receiving
8 Medicaid?

9 MR. GRANDINETTE: I'll object to
10 the relevance with respect to anything
11 prior to this incident.

12 If you want to ask him --

13 MR. CLARKE: You can make an
14 objection, but it doesn't permit you to
15 not permit him to answer the question.

16 MR. GRANDINETTE: That's true.
17 But please note my exception with
18 respect to any questions preceding
19 2/27/11 pertaining to his medical care
20 unless it is related to this or his
21 Medicaid.

22 MR. SCHROEDER: I join in the
23 demand made by Mr. Clarke.

24 BY MR. CLARKE:

25 Q So when did you begin receiving

Thomas M. Moroughan

benefits through Medicaid?

A January or February of '14.

Q Have you, since February of 2011, applied for Social Security Disability?

A No.

Q Do you intend to?

MR. GRANDINETTE: Objection.

A No.

Q At present are you aware as to whether or not Medicaid has a lien against any recovery in this case?

A Not that I am aware of.

Q Have you had any out-of-pocket expenses for any of the medical care, including the psychiatric care, that you've required for the care received regarding the injuries you have received in this case?

A Yes.

Q What are your out-of-pocket expenses? If you can give me a number. I'll accept an estimate if that's the best you can do.

A A few hundred dollars maybe.

Q So summarizing your testimony,

517

Thomas M. Moroughan

you were at the Huntington emergency room on February 27th. Since then you last saw Dr. Martin in March of 2011, you last saw Dr. German in April of 2011, you last saw Dr. Gluck in June or July of 2011, and you last treated with a vascular surgeon in June or July of 2011, for the injuries claimed in this case?

A Dr. German I believe was in 2012.

MR. GRANDINETTE: Objection to form. He also testified that he saw other providers as recently as June of 2014.

MR. CLARKE: The question wasn't about his providers.

MR. GRANDINETTE: I'm objecting
to form.

BY MR. CLARKE:

Q I'll break it down.

You haven't treated with Dr. Martin for injuries in this case since March of 2011, correct?

A Correct.

0 You have not treated with

Thomas M. Moroughan

Dr. German for injuries claimed in this case
you're now saying since April of 2012?

A Regarding this case, sorry.

No, June of 2011.

Q Dr. Gluck you last treated with
for injuries in this case in June or July
of 2011, right?

A Correct.

Q And the vascular surgeon, same
time frame, last seen in June or July of 2011?

A Correct.

Q And you didn't start with the
Pederson group until July of 2014, right?

A Correct.

Q So between July of 2011 and
July of 2014 you sought no medical care or
psychiatric care of any kind for any injuries
claimed in this case, right?

MR. GRANDINETTE: I'll object to
the form. I believe he said June or
July.

But subject to that exception,
answer.

A Correct.

1 Thomas M. Moroughan

2 Q So there was a three-year period
3 of time where you didn't need treatment for
4 anything you claim in this case --

5 MR. GRANDINETTE: Objection.

6 Q -- right?

7 MR. GRANDINETTE: Objection to
8 the form of the question.

9 You can answer.

10 A Correct.

11 Q Okay. When -- strike that.

12 You were -- strike that.

13 After the injuries -- strike
14 that.

15 As a result of the injuries that
16 you sustained in February of 2011,
17 specifically the 27th, were you out of work
18 for any period of time?

19 A Yes.

20 Q How long?

21 A I believe it was like two months.

22 Q Were you cleared by a physician
23 to return to work?

24 A I don't recall.

25 Q Yesterday we talked about

Thomas M. Moroughan

certifications you need to get your hack
license through Huntington, which requires,
among other things, a medical affidavit.

Do you recall that testimony?

A Yes.

Q You said that you do it typically
in May.

Do you recall that?

A Yes.

Q So in May of 2011 did you provide
Town of Huntington with the necessary
information, including the doctor's affidavit,
to get your hack license, or keep your hack
license intact?

A Yes.

Q That included a statement that
you were physically fit to drive a cab?

A Yes.

Q When you went back to work about
two months after the accident, did you
perceive or feel there was any physical
impediment that would put the public at risk
were they to get into your cab as a passenger?

MR. GRANDINETTE: Objection to

1 Thomas M. Moroughan

2 form.

3 You can answer.

4 A Physical?

5 Q Any impediment that would put the
6 public at risk if they were to get into a car
7 you were driving?

8 A No, I don't believe that there
9 was a -- that would put the public in danger.

10 I had my own fears from driving
11 because I was afraid of getting pulled over or
12 something like that, and I was afraid of the
13 police. But I had bills that needed to be
14 paid, so I went back to work.

15 MR. MITCHELL: Note my objection.

16 I move the latter portion of his answer
17 be stricken as not responsive.

18 ---

19 (Motion to Strike)

20 ---^

21 BY MR. CLARKE:

22 Q Was there some emotional handicap
23 that you are suffering from that put the
24 public at risk for them getting into your car
25 back in May or April of 2011?

1 Thomas M. Moroughan

2 MR. GRANDINETTE: Objection to
3 the form of the question.

4 You can answer.

5 A Nothing that put the public at
6 risk, no.

7 Q You didn't say to the passengers
8 when they got into your cab back in April of
9 2011, just so you know, I may flip out, I've
10 got mental problems about driving a cab, just
11 so you know, if I see a cop car I may just
12 freak out?

13 You didn't tell them that, did
14 you?

15 MR. GRANDINETTE: Objection to
16 the form.

17 BY MR. CLARKE:

18 Q Did you tell them that?

19 A No.

20 Q Do you recall talking to doctors
21 when you were in the emergency room on
22 February 27th about your physical condition
23 and to give them a general idea of what
24 happened?

25 A Yes.

1 Thomas M. Moroughan

2 Q Do you recall telling them that
3 you had been shot?

4 A Yes.

5 Q Do you recall telling them that
6 you had had a verbal altercation with the man
7 who shot you?

8 A Yes.

9 Q And that word, "verbal
10 altercation," was that a word you used, or
11 something similar to that?

12 A I had -- don't remember. It
13 might have been something similar.

14 Q You talked yesterday about
15 leaving the scene where this shooting took
16 place and driving yourself to the emergency
17 room.

18 Do you recall that testimony?

19 A Yes.

20 Q You had a -- had been shot in the
21 left arm or the right arm?

22 A Left arm.

23 Q Now, the gear shift was to the
24 right of where you were sitting, correct?

25 A Yes.

1 Thomas M. Moroughan

2 Q So you used your right hand to
3 change from drive to park -- drive to reverse
4 and so forth?

5 A Yes.

6 Q And park was a button you would
7 press?

8 A Yes.

9 Q And you would press that button
10 with your right hand or your left hand, if you
11 wanted to put the car in park?

12 MR. GRANDINETTE: Objection.

13 A Right hand.

14 Q And while you were driving and
15 manipulating the gear shifter with your right
16 hand, were you steering with your left?

17 MR. GRANDINETTE: Objection.

18 A No.

19 Q How were you steering the car?

20 A Once I put it in drive, it stays
21 in drive. So I could steer with my right
22 hand. Because it's not a stick shift.

23 Q Okay. So you were able to drive
24 the car essentially with your right hand on
25 your way to the hospital?

1 Thomas M. Moroughan

2 A Yes.

3 Q Did you put your left hand up on
4 the wheel at any time?

5 A I may have. I don't quite
6 remember.

7 Q Do you play a musical instrument?

8 A No.

9 Q As a result of -- strike that.
10 Since February 2011 until the
11 time that you stopped treating with
12 Drs. Martin, German and Gluck were you ever
13 referred for any physical therapy for your
14 left arm and hand?

15 A No.

16 Q Did you ask for physical therapy
17 for your left arm or hand?

18 A No.

19 Q There's a notation March 14th
20 of 2011 in Dr. Martin's medical record
21 indicating that, with respect to your left
22 hand, that you had no sensory deficits.

23 Would you agree with that?

24 MR. GRANDINETTE: Objection.

25 If you understand the question.

1 Thomas M. Moroughan

2 A What do you mean by --

3 Q I'll ask it more directly.

4 Presently do you have any
5 difficulty with your left hand in terms of
6 feeling, touching, sensation; hot/cold, that
7 sort of thing?

8 A No.

9 Q And back in March of 2011,
10 similarly you had no problem with your sense
11 of touch with your left hand, right?

12 A No.

13 Q No problem?

14 A Not with touch. I have a problem
15 with squeezing.

16 Q Has anyone treated you for that?

17 A No.

18 Q Have you told any doctors about
19 that?

20 A I might have.

21 Q Not might have. Do you recall
22 telling any doctors -- do you recall
23 specifically telling any doctors you have
24 difficulty with the grip of your left hand?

25 MR. GRANDINETTE: Objection to

1 Thomas M. Moroughan

2 the question as argumentative.

3 MR. CLARKE: I'll rephrase the
4 question.

5 BY MR. CLARKE:

6 Q Mr. Moroughan, I'm going to ask
7 you --

8 MR. GRANDINETTE: Hold on. No,
9 no.

10 MR. MITCHELL: I withdrew the
11 question. I don't need speaking
12 objections. If the question is
13 withdrawn, the objection --

14 MR. GRANDINETTE: We're going
15 back to the other question. Okay?

16 MR. CLARKE: It's been answered
17 already, right?

18 MR. GRANDINETTE: His answer was,
19 as I heard it, "I might have."

20 Right?

21 MR. CLARKE: So I am following up
22 on that.

23 BY MR. CLARKE:

24 Q Mr. Moroughan, I'm not asking
25 you -- so we are clear, same as yesterday --

1 Thomas M. Moroughan

2 possibilities, speculation, dreams, guesses.

3 I'm asking you what you know.

4 Okay?

5 A Okay.

6 Q Do you have a recollection
7 specifically of informing any doctor you have
8 difficulty with gripping with your left hand?

9 MR. GRANDINETTE: Objection.

10 A I don't recall.

11 MR. CLARKE: Forgive me, I don't
12 have a copy of this. I didn't go back
13 to my office yesterday.

14 I'm going to ask you to mark that
15 one page.

16 ---

17 (County of Nassau Defendants'
18 Exhibit A, DESCRIPTION, was marked for
19 identification)

20 ---

21 BY MR. CLARKE:

22 Q Okay. Mr. Moroughan, do you see
23 the note that has been marked as Nassau County
24 Exhibit A?

25 A Yes.

1 Thomas M. Moroughan

2 Q Okay. What is the date of
3 Dr. German's note?

4 A 6/23/11.

5 Q Have you ever seen that before?

6 A Yes.

7 Q Okay. And when did you last see
8 it?

9 A Probably when I handed it to the
10 Town of Huntington.

11 Q Is this the statement provided to
12 the Town of Huntington so you can maintain
13 your hack license?

14 A Yes.

15 Q What did Dr. German report to the
16 Town of Huntington in June of 2011 regarding
17 your physical fitness?

18 MR. GRANDINETTE: Objection to
19 form.

20 A That I was in good physical
21 condition to drive a cab, taxi.

22 Q Did you go to see Dr. German in
23 June of 2011 and ask him to prepare that
24 report for you?

25 A Yes.

1 Thomas M. Moroughan

2 Q Did you tell him why you needed
3 it?

4 A Yes.

5 Q What did you tell him?

6 A I need it for the Town of
7 Huntington so I could drive a taxi.

8 Q Did Dr. German examine you?

9 A Yes.

10 Q In examining you did he -- do you
11 recall him testing the grip strength of both
12 your hands?

13 A No.

14 Q Did he ask you questions about
15 your dexterity.

16 A My what?

17 Q Did he ask you questions about
18 your ability to use both hands?

19 A No.

20 Q Did you report any complaints to
21 him?

22 A No.

23 Q When you asked him for that
24 report, did you tell him that you have
25 difficulty gripping with your left hand?

1 Thomas M. Moroughan

2 A No.

3 Q And then he provided a report
4 telling the Town of Huntington you're in good
5 physical shape to drive a cab, right?

6 MR. GRANDINETTE: Objection to
7 the form.

8 A Yes.

9 Q Now, you said -- and I'm almost
10 done -- that you've not been a patient of Dr.
11 German's since 2012; is that correct?

12 A Yes.

13 Q So who is your current primary
14 care doctor?

15 A I don't have one currently.

16 Q So when you've needed these
17 reports on an annual basis, physician's
18 affidavit to maintain your hack license, where
19 have you gone?

20 MR. GRANDINETTE: Objection to
21 the form. I don't know that he ever
22 said it was an affidavit.

23 But subject to that objection, go
24 ahead.

25 A Medcenter, as I said yesterday.

1 Thomas M. Moroughan

2 Q It's a different person every
3 time?

4 A Most times, yes.

5 MR. CLARKE: I promised you I
6 would be quick. I took 20 minutes.
7 Thank you, Mr. Moroughan, for answering
8 my questions yesterday and today.

9 Subject to any followups that I
10 may require, I'm done questioning this
11 witness.

12 FURTHER EXAMINATION

13 BY MR. SCHROEDER:

14 Q Mr. Moroughan, I'm going to
15 follow up on a few things. Okay?

16 A Yes.

17 MR. GRANDINETTE: Can you give me
18 a second?

19 MR. SCHROEDER: Sure.

20 ---

21 (Pause.)

22 ---

23 BY MR. SCHROEDER:

24 Q Just following up.

25 Mr. Moroughan, you said that you

1 Thomas M. Moroughan

2 are 5-8? Your height. You are 5-foot-8, did
3 you say?

4 A 5-foot-8½.

5 Q How much do you weigh?

6 MR. GRANDINETTE: You know,
7 Frank, I'm sorry to do this. I'm going
8 to get interrupted in two minutes. Do
9 you mind if I take three minutes and
10 then you can start, so I don't have
11 to...

12 MR. SCHROEDER: Not at all.

13 BY MR. SCHROEDER:

14 Q Just answer that question, just
15 because it's on the record. What do you
16 weigh?

17 A Between 170 and 180. We'll go
18 with 170 to be on the light side.

19 ---

20 (A recess was taken.)

21 ---

22 MR. SCHROEDER: Okay, folks, back
23 on the record.

24 BY MR. SCHROEDER:

25 Q You had a chance to take the

1 Thomas M. Moroughan

2 break that you needed? You're good?

3 A Yes.

4 Q So you said that you weigh
5 170-180?

6 A Yes.

7 Q On February 27, 2011 what did you
8 weigh?

9 A Don't quite remember. I was
10 probably -- I was around 200.

11 Q Have you been on any kind of diet
12 since the incident?

13 A Yes.

14 Q You tried to lose some weight?

15 A Yes.

16 Q Are you on any kind of program,
17 any official diet, or are you just watching
18 what you are eating?

19 A Just watching what I'm eating.

20 Q You think you lost around
21 anywhere between 20 and 30 pounds; is that
22 about right?

23 A Yes.

24 Q You were trying to lose the
25 weight?

1 Thomas M. Moroughan

2 A Yes.

3 Q Smoking; how long have you been
4 smoking?

5 A Since I was 18.

6 Q How much do you smoke? About a
7 pack a day?

8 A Yes.

9 Q Sometimes more?

10 A I would say around there.

11 Q What kind of cigarettes do you
12 smoke?

13 MR. GRANDINETTE: Objection.

14 A L&M non-filter reds.

15 Q How long have you been smoking
16 those?

17 MR. GRANDINETTE: Objection.

18 You can answer.

19 A Six months.

20 Q What did you smoke before that?

21 A Newport.

22 MR. GRANDINETTE: Objection.

23 Q Say again?

24 MR. GRANDINETTE: Give me 30
25 seconds, if I have an objection, then

Thomas M. Moroughan

respond directly to the question. Okay?

Objection.

BY MR. SCHROEDER:

Q What kind of cigarettes did you
smoke on February 27th, 2011?

A Newport 100s.

Q In the -- when you left the
hospital to meet with Risco Lewis outside the
emergency room, you had a cigarette?

MR. GRANDINETTE: Objection to
form.

A Yes.

Q What kind of cigarette did you
smoke?

A A Newport 100.

Q They were your cigarettes?

A I'm not 100 percent sure. It was
either mine or Kristie's.

Q Your relationship with Kristie
Mondo, where did you meet Kristie?

A Babylon train station.

Q Okay. Around when?

A The fall of 2006.

Q Were you living at the Babylon

Thomas M. Moroughan

train station?

A Yes.

Q You were homeless at the time?

A Yes.

Q Did Kristie take you in and let you live at her place?

A Yes.

Q You described your relationship with her as on and off?

A It was in the beginning, yes.

Q What does that mean, "on and off"?

MR. GRANDINETTE: Objection.

You can answer.

A I moved to Tennessee. We broke up for a little while. We had a few breakups.

Q Had you ever lived in Tennessee before meeting Ms. Mondo?

A No.

Q So you had dated Kristie Mondo before you moved to Tennessee?

A Yes.

Q Then you broke up with her?

A Yes.

1 Thomas M. Moroughan

2 Q Then you moved to Tennessee?

3 A Yes.

4 Q Did you meet a girl in Tennessee?

5 A Yes.

6 Q Did you get her pregnant?

7 A Yes.

8 Q Did you have a child?

9 A Yes.

10 Q You never met that child?

11 A No.

12 Q That's correct?

13 A Correct.

14 Q After leaving Huntington Hospital
15 on February 27, 2011, you were driven to the
16 Second Precinct in Suffolk County?

17 A Correct.

18 Q Where is that?

19 A It's on Park Avenue in
20 Huntington.

21 Q You're familiar with the streets
22 in Huntington from being a cab driver?

23 A Yes, sir.

24 Q About how far from the hospital
25 is the Second Precinct?

1 Thomas M. Moroughan

2 A I don't want to guess.

3 Q Not a guess. Can you give -- I
4 don't know if it's 15 miles or a
5 mile-and-a-half. I have no idea.

6 Just give me what your best
7 estimate is, as somebody familiar with the
8 streets?

9 A Approximately two to three miles.
10 Maybe more.

11 Q On February 27, 2011 about how
12 long did it take to get from the hospital to
13 the precinct?

14 A I don't remember at all.

15 Q How did you get there? How did
16 you get from the hospital to the Second
17 Precinct?

18 MR. GRANDINETTE: Objection;
19 asked and answered.

20 But you can answer.

21 BY MR. SCHROEDER:

22 Q I mean, car, bicycle, train?
23 How?

24 A Patrol car.

25 Q Suffolk County Police car?

1 Thomas M. Moroughan

2 A Correct.

3 Q Was there a uniformed police
4 officer driving the car?

5 A Yes.

6 Q Do you remember who it was?

7 A No.

8 Q How about, was there any other
9 uniformed officer driving in the car?

10 A Yes.

11 Q Tell me what happened -- can you
12 just give me an idea how you get there? You
13 know, is there a main road that goes from the
14 hospital to the precinct?

15 A The hospital is on Park Avenue
16 and the precinct is on Park Avenue. So
17 straight down Park Avenue.

18 Q That's what happened that day,
19 they just drove straight down Park Avenue?

20 MR. GRANDINETTE: Objection. I
21 believe the witness said he doesn't
22 recall, but he can answer.

23 A I don't know.

24 Q Were you awake in the car?

25 A Possibly.

1 Thomas M. Moroughan

2 Q You don't remember whether you
3 were awake?

4 A No.

5 Q You remember having the
6 cigarette, right, on February 27th, 2011 after
7 -- with Risco Lewis?

8 A Yes.

9 Q What time was that,
10 approximately?

11 A 8 o'clock.

12 Q It was daylight?

13 A Yes.

14 Q From then, about how long after
15 that were you driven to the precinct?

16 A Directly after that.

17 Q Okay. It was still daylight?

18 A Yes.

19 Q When you were with Risco Lewis
20 did you ever lose consciousness while you were
21 with her outside having the cigarette?

22 A You mean like pass-out
23 consciousness?

24 Q Yes.

25 A No.

1 Thomas M. Moroughan

2 Q What other kind of consciousness
3 are you aware of? You said "pass-out
4 consciousness." What are you distinguishing
5 it from?

6 MR. GRANDINETTE: Object to the
7 form.

8 A I just mean like I was completely
9 out of it.

10 Q When did you become completely
11 out of it on February 27, 2011?

12 A I don't remember.

13 Q What does that mean, "completely
14 out of it"?

15 A I was tired. I was confused.

16 Q What were you confused about?

17 MR. GRANDINETTE: My only
18 objection is you have to let him finish
19 the answer.

20 MR. SCHROEDER: No problem.

21 BY MR. SCHROEDER:

22 Q Tell me what you mean by
23 "completely out of it." You said tired,
24 confused. What else were you?

25 A I was tired. I was confused.

1 Thomas M. Moroughan

2 You know, I had two gunshot wounds so I was
3 hurt. I had a pounding migraine. So, I mean,
4 I was -- when I say out of it I mean like -- I
5 wasn't 100 percent coherent, is the best I can
6 say. I was out of it.

7 Q Could you speak?

8 A I believe so, yes.

9 Q When you say you believe so, do
10 you remember speaking to people?

11 A Yes.

12 Q In this state, what you've
13 described as "completely out of it," you were
14 still able to speak?

15 A Yes.

16 Q You were able to hear?

17 A Yes.

18 Q You were able to see?

19 A Yes.

20 Q When you said you were confused,
21 what were you confused about?

22 MR. GRANDINETTE: Object to the
23 form.

24 But you can go ahead. You know,
25 there's no time on the question. But

1 Thomas M. Moroughan

2 answer it to the best of your ability.

3 A I was confused about why -- what
4 was happening. Like why it was happening.
5 But what I mean by what was happening, you
6 know, was the fact that I was being put in a
7 patrol car. That I was, you know -- I was not
8 allowed to have Risco there, why I wasn't
9 allowed to have Kristie there.

10 You know, it was just a very
11 confusing situation, a very confusing night in
12 general. I was confused on why this person
13 shot me for no reason. I was confused on why,
14 you know, I was beaten the hell out of for no
15 reason.

16 So, that's what I mean by
17 confused. I was confused about the situation.

18 Q Were you confused at all as to
19 what actually occurred out at Tippin and
20 Oakwood? Are you confused about that?

21 A No.

22 Q You remember that very clearly?

23 A Yes.

24 Q When you met with the Suffolk
25 County detectives you told them what happened,

1 Thomas M. Moroughan

2 right?

3 A Yes.

4 Q Now --

5 A I told them what happened. They
6 didn't write what happened.

7 MR. MITCHELL: I object to that
8 response as not responsive to the
9 question. Ask that it be stricken.

10 MR. SCHROEDER: I move to strike
11 the portion not responsive as well.

12 MR. CLARKE: So do I.

13 ---

14 (Motion to Strike)^

15 ---

16 BY MR. SCHROEDER:

17 Q You remember smoking a cigarette
18 with Risco, right?

19 A Yes.

20 Q And you remember arriving at the
21 Second Precinct?

22 A I remember being in the back of
23 the Second Precinct.

24 Q The back of the building?

25 A No. In the back hallway.

1 Thomas M. Moroughan

2 Q Okay. When -- during the drive
3 did you lose consciousness at all?

4 A I don't recall.

5 Q Did you sleep at all?

6 A I don't recall.

7 Q When you got to the Second
8 Precinct do you -- you remember being inside
9 the building?

10 A Yes.

11 Q Were you put in a room?

12 A Yes. I was put in like an
13 interrogation room. An interview room.

14 Q Did the interview room have a
15 door on it?

16 A Yes.

17 Q Did it have a window?

18 And I don't mean a window in the
19 door. Did it have a window in the room, to
20 the outside?

21 A Not sure.

22 Q Did you lose consciousness at all
23 in that room?

24 A Not that I know of. I am not
25 sure.

1 Thomas M. Moroughan

2 Q Did you see either Officer Bienz
3 or Officer DiLeonardo at the Second Precinct
4 on February 27th, 2011?

5 A No.

6 Q Who did you have personal contact
7 with at the Second Precinct on that day?

8 A A detective. I remember seeing
9 him on TV a few days later. He was the head
10 of homicide.

11 Q Suffolk County?

12 A Yes. I believe it's Fitzgerald.
13 I believe that is the name.

14 Q He spoke to you?

15 A Yes.

16 Q He was the person that told you
17 that you were under arrest?

18 A Yes.

19 Q Who else did you have personal
20 contact with at the Second Precinct, speak to?

21 A There was a desk sergeant.

22 Q Suffolk County?

23 A Yes.

24 Q In uniform?

25 A Yes.

1 Thomas M. Moroughan

2 Q The head of homicide that you
3 described from Suffolk County, was he in
4 uniform, or in a suit, or something else?

5 A I believe it was a suit.

6 MR. GRANDINETTE: Don't guess.

7 BY MR. SCHROEDER:

8 Q You subsequently saw him on the
9 television?

10 A Yes.

11 Q Did you speak to any Nassau
12 County Police personnel at the Second Precinct
13 in Suffolk County?

14 A Not that I am aware of.

15 Q Did you see any Nassau County
16 Police Department personnel at the Second
17 Precinct?

18 A I don't know. If they were in
19 suits I wouldn't have known they were Nassau
20 County or Suffolk County.

21 Q So you saw some people in suits?

22 A Yes.

23 Q But you didn't speak to any of
24 them; is that fair to say?

25 A Yes.

1 Thomas M. Moroughan

2 Q You said you saw the -- this head
3 of homicide, as you have described, Suffolk
4 County detective, on the television a few days
5 later?

6 A I believe it was a few days
7 later.

8 Q Did he say anything about this
9 case?

10 A I don't remember what it was
11 about.

12 Q When is the first time that you
13 saw the written statement marked as Suffolk
14 County Exhibit C yesterday, when is the first
15 time you saw that document?

16 MR. GRANDINETTE: If you recall.
17 Don't guess.

18 A I don't remember the date. But
19 it was during my criminal proceedings.

20 Q When you say during your criminal
21 proceedings, what does that mean? Did you see
22 it in court or somewhere else?

23 A I believe --

24 MR. GRANDINETTE: I'll object to
25 the form. I think he said he didn't

1 Thomas M. Moroughan

2 recall.

3 You can answer to the best of
4 your ability.

5 MR. SCHROEDER: Okay. Anthony, I
6 now have to ask you to not give speaking
7 objections -- let me just finish --
8 because every time you do, your client's
9 shrewd, he picks up on what you say.

10 If you say "if you recall," he
11 always answers "I don't recall."

12 If you say "I believe he said"
13 this, that's what he answers.

14 If you just say "Objection" --
15 let me finish -- no speaking objections,
16 say "Objection," your objection is
17 noted.

18 MR. GRANDINETTE: Here's my
19 problem. I haven't been speaking
20 objections unless you're saying a
21 question immediately following a
22 preceding question where you incorporate
23 a fact which he has denied.

24 Like for example, you say when is
25 the first time you saw this. He says I

1 Thomas M. Moroughan
2 don't recall when I saw it, but I saw it
3 at some point during the criminal
4 proceedings.

5 MR. CLARKE: Isn't that your
6 technique?

7 MR. SCHROEDER: I think this is
8 all --

9 MR. CLARKE: There's been 14
10 depositions. Isn't that your technique?

11 MR. GRANDINETTE: With all due
12 respect, can I finish making a record?

13 MR. CLARKE: Sure.

14 MR. GRANDINETTE: Okay.

15 So it --

16 MR. SCHROEDER: Do you mind if
17 your client steps out of the room? Or
18 would you prefer not?

19 MR. GRANDINETTE: No, not at all.

20 Why don't you step out for a
21 second.

22 ---

23 (The witness exits deposition room.)

24 ---

25 MR. GRANDINETTE: I'm trying to

1 Thomas M. Moroughan
2 work through this, with all due
3 respect, with Mr. Schroeder.

4 When you were questioning you and
5 I worked out our differences --

6 MR. CLARKE: Sure.

7 MR. GRANDINETTE: -- as
8 professionals.

9 I want to do this with
10 Mr. Schroeder. I want to respect his
11 right to examine my client.

12 That's the only reason why I did
13 it. I will try not to make any speaking
14 objections. I respect what you're
15 saying. But that's why did it.

16 MR. SCHROEDER: Okay.

17 MR. GRANDINETTE: I understand
18 what you're saying to me. I'll try to
19 honor it.

20 MR. SCHROEDER: My dealings have
21 always been and continue to be nothing
22 but professional with you. I respect
23 you as well.

24 MR. GRANDINETTE: Okay.

25 ---

1 Thomas M. Moroughan

2 (The witness reenters deposition room.)

3 ---

4 BY MR. SCHROEDER:

5 Q Mr. Moroughan, when is the first
6 time you recall physically seeing the document
7 and reading it?

8 MR. GRANDINETTE: Objection.

9 A I don't recall. Like I said, it
10 was sometime during my criminal proceeding.

11 Q Do you remember where you were
12 when you saw it?

13 A I don't remember where I saw it.
14 I remember I was shown it.

15 Q Who showed it to you?

16 A Bill Petrillo.

17 Q You were with your lawyer the
18 first time you saw it?

19 A Yes, correct.

20 Q Do you remember if you were in a
21 courthouse?

22 MR. GRANDINETTE: Objection.

23 A Like I said, I don't recall.

24 Q Because what -- I'm trying to
25 hone in on this. When you say you don't

Thomas M. Moroughan

1 recall, that means you recall nothing. Like
2 he might have shown it to me -- I am making
3 these things up -- he might have shown it to
4 me at the mall, he might have shown it to me
5 in California, he might have shown it to me in
6 his office.
7

8 When you say "I don't recall," I
9 don't know if you're saying I have no
10 recollection.

11 You now have some recollection
12 that you were with your lawyer. Can you give
13 me anything better than that as to -- do you
14 remember what county you were in when you saw
15 it?

16 MR. GRANDINETTE: Objection to
17 the form of the question.

18 A It could have been -- it was
19 either at the courthouse or at his office.

20 Q Okay. And tell me what -- did
21 you read the statement when he handed it to
22 you?

23 A Yes.

24 Q And is it your testimony that's
25 the first time you read it?

1 Thomas M. Moroughan

2 A Yes.

3 Q And what was your reaction when
4 you read it?

5 A I got angry.

6 Q What were you angry at?

7 A The fact that none of it -- well,
8 the majority of it is not true.

9 Q So you've corrected yourself.
10 First you said "none of it."

11 Some of it is true?

12 MR. GRANDINETTE: Objection.

13 Q Some of that statement is true?

14 A The facts of my name and my date
15 of birth, my address.

16 Q And the initials -- your initials
17 and your signature, you put your initials in
18 every spot that your initials appear on that
19 paper?

20 A Yes, sir.

21 Q And the signature, you put the
22 signature on every place that appears on that
23 paper, right?

24 A Yes.

25 Q Okay. I want to talk to you a

Thomas M. Moroughan

1 little bit about your counseling and meetings
2 with your psychiatrist.
3

4 You said that the first time that
5 you started receiving any type of treatment
6 was about six months ago?

7 A Correct.

8 Q Okay. And what was it that
9 prompted you to seek some kind of treatment
10 six months ago?

11 A Ms. Mondo.

12 Q Tell me about that. What was it
13 about Ms. Mondo that made you seek treatment?

14 A She was trying for a long time to
15 get me to go seek treatment. Same thing with
16 Ms. Lewis. They both noticed a difference in
17 me.

18 Q Okay. How about yourself? When
19 is the first time that -- first of all, did
20 you resist seeking treatment?

21 A Yes.

22 Q Did you tell them you didn't need
23 treatment?

24 A Yes. I think -- I guess I think
25 that I can handle everything on my own. I was

Thomas M. Moroughan

trying to just deal.

Q And what was it that you were -- when you say "deal," you were trying to deal, what were you dealing with?

A I was having nightmares, anxiety. You know, I was -- I didn't trust anybody. I was just having a hard time coping. And then I had different times where, you know, my face was in the paper and stuff like that. And then I'd have people asking me questions, and I didn't want to talk about it.

Q Okay.

A So it was, I had a lot of anxiety from it.

Q What did you have nightmares about?

A I don't recall. I just remember, you know, waking up and Kristie would be telling me that I was screaming in my sleep.

Q So you don't remember any of the nightmares?

A No.

Q The anxiety, what was the anxiety about?

1 Thomas M. Moroughan

2 A For a while I had anxiety
3 driving.

4 Q What does that mean?

5 A Just driving in a car.

6 Q You weren't able to drive a car?

7 A I was able to. Because I had to.

8 Q Okay.

9 A But it made me anxious.

10 Q What was it that made you anxious
11 about driving in a car?

12 A I was afraid of getting pulled
13 over. I was afraid of being harassed.

14 Q Have you been pulled over since
15 the incident, by the police?

16 A Yes.

17 Q And were you ticketed?

18 A No.

19 Q What were you pulled over for?

20 A Failure to yield.

21 Q Okay. Was that in Huntington?

22 A Yes.

23 Q Were you driving a cab?

24 A I don't think so. I don't
25 remember.

1 Thomas M. Moroughan

2 Q Were you -- the officer pulled
3 you over and said you didn't yield?

4 A Yes.

5 Q And did not give you a ticket?

6 A No. I don't believe she gave me
7 a ticket.

8 Q He or she?

9 A She.

10 Q Did she say she'd let you off
11 with a warning?

12 A I believe so, yes.

13 Q Any other times you've been
14 pulled over by the police since the incident?

15 A No.

16 Q Were you -- any dealings with any
17 police officers since this incident where you
18 ever -- did you ever have a -- were you ever
19 physically abused in any way?

20 MR. GRANDINETTE: Objection to
21 the form.

22 A No.

23 Q Were you ever verbally abused by
24 any officer since this incidents?

25 A No.

1 Thomas M. Moroughan

2 Q Okay. When you say you didn't
3 trust anyone, what does that mean?

4 A I was hypervigilant. I was
5 always watching people around me. And I don't
6 mean people in my life. I mean like walking
7 down the street, I was worried about this
8 person, I was watching what this person was
9 doing.

10 Q Did you trust Kristie?

11 A Yes.

12 Q Did you trust Risco?

13 A Yes.

14 Q Did you trust her aunt?

15 A Yes. I didn't trust the police.

16 MR. MITCHELL: I object. I ask
17 that that be stricken. It was not
18 responsive to a question. There was no
19 question pending.

20 ---

21 (Motion to Strike)

22 ---^

23 THE WITNESS: Actually, I believe
24 that he asked --

25 MR. GRANDINETTE: Thomas, don't

1 Thomas M. Moroughan

2 he say another word unless there's a
3 question asked. Okay?

4 THE WITNESS: Uh-huh.

5 BY MR. SCHROEDER:

6 Q When you got pulled over by the
7 police officer for failure to yield, did you
8 get into any kind of argument with her?

9 A No.

10 Q Did you tell her you didn't trust
11 her?

12 A No.

13 Q Was she courteous to you?

14 MR. GRANDINETTE: Objection.

15 Q You can answer.

16 A No.

17 Q She was not courteous. Was she
18 discourteous?

19 A No.

20 Q When you say she was not
21 courteous, when she said to you I'm letting
22 you off with a warning, did you say, well,
23 wait a second, I failed to yield, I think you
24 should give me a ticket?

25 MR. GRANDINETTE: Objection.

Thomas M. Moroughan

Frank, I don't know that that was -- can you read back the last few lines? Can you read back the last question and answer?

(Record read.)

MR. GRANDINETTE: That's my objection. I don't think he said that she was discourteous.

MR. SCHROEDER: Let's go before that.

Did I say "Was she courteous to you"; did I ask that question?

MR. GRANDINETTE: I think it was yes and then no.

(Record read.)

BY MR. SCHROEDER:

Q So you said she was not courteous to you; did I get that right?

A Yes.

Q How was she not courteous to you?

Thomas M. Moroughan

1 A She was neutral. She wasn't --
2
3 she wasn't mean. She wasn't overly nice. It
4 was how a patrol stop would normally go, in my
5 opinion.

6 Q Did you feel like she gave you a
7 break by not giving you the ticket?

8 A Yes.

9 Q You said Officer Meaney wrote you
10 a ticket at some point?

11 A Yes.

12 Q He is one of the officers you've
13 sued in this case?

14 A Yes.

15 Q Did you deserve the ticket he
16 wrote to you?

17 MR. GRANDINETTE: Objection.

18 Q You can answer.

19 A Yes.

20 Q I want to talk to you about the
21 emergency room at Huntington Hospital.

22 You had mentioned yesterday about
23 you came in the ambulance entrance?

24 A Yes.

25 Q On foot?

1 Thomas M. Moroughan

2 A Yes.

3 Q And you said that a security
4 guard stopped you initially?

5 A Yes.

6 Q Said you can't come in this way?

7 A Yes.

8 Q And then you advised him that you
9 were -- just take your hand away because he
10 can't hear you and I can't hear you.

11 The security officer first told
12 you couldn't use that entrance but you told
13 him you were shot, right?

14 A Yes.

15 Q And then where did you go from
16 there?

17 A Into the emergency room.

18 Q Where?

19 A I don't know. It was --

20 Q Describe what you recall. When
21 you went walking past the security guard,
22 where were you?

23 A Very beginning of the emergency
24 room.

25 Q Okay. Did you see a nurses'

1 Thomas M. Moroughan

2 station?

3 A Yes.

4 Q And as you're facing the nurses'
5 station is the door that you walked through
6 behind you?

7 A Yes.

8 Q And the trauma room you described
9 going into, tell me where that is. In
10 relation to that spot when you walk into the
11 emergency room with your back to the door and
12 the nurses' station is in front of you, where
13 is the trauma room you went to?

14 A Ahead of me to my right.

15 Q Is it around the nurses' station?

16 A Yes.

17 Q So with your back to the door
18 that you walked into to get into the emergency
19 room so the nurses' station is right in front
20 of you -- you're with me?

21 A Yes.

22 Q -- tell me where the -- if you're
23 looking straight ahead, that's 12 o'clock.
24 Tell me where the trauma room is that you were
25 in.

1 Thomas M. Moroughan

2 A From where I was standing when I
3 first walked in?

4 Q Right. With your back to the
5 door and looking at the nurses' station.

6 A 2 o'clock.

7 Q And there came a time that you
8 saw Risco Lewis in the emergency room?

9 A Yes.

10 Q By the nurses' station?

11 A Yes.

12 Q Where was she, based on what
13 we've been talking about? Was she near where
14 you were standing when you first walked into
15 the emergency room?

16 A No.

17 Q Where was she in relation to that
18 spot with your back to the door, nurses'
19 station is in front of you, you're off at
20 about 2 o'clock in the trauma room. Where is
21 Risco Lewis?

22 MR. GRANDINETTE: I'm going to
23 object to the form in light of the fact
24 that we're talking about seven hours
25 maybe.

1 Thomas M. Moroughan

2 But do the best you can in
3 answering the question.

4 A From where I first was standing
5 when I walked in I wouldn't be able to see
6 where Risco was standing.

7 Q Okay. Tell me where Risco was
8 standing from where -- from that location. In
9 other words, standing in that same location,
10 your trauma room is off at 2 o'clock. Where
11 was Risco standing when you first saw her?

12 A If I was standing here I would be
13 blocked from actually seeing -- I wouldn't
14 have seen that side of the nurses' station at
15 all, from where I was standing.

16 Q When you say if you were
17 standing, are you in this location now where I
18 told you, where you first walk in the ER?

19 A Yes.

20 Q I'm not -- I don't care what's
21 blocking. I'm saying where would she be?
22 Would she be at 3 o'clock, 12 o'clock,
23 9 o'clock?

24 A 10 o'clock.

25 Q Okay. As -- from when you were

Thomas M. Moroughan

1
2 in Trauma Room 2 and you saw Risco Lewis, was
3 she on the opposite side of the nurses'
4 station from where you were in the trauma
5 room?

6 A Yes.

7 Q Yesterday you said something when
8 being questioned about -- by Mr. Mitchell you
9 said something about that you weren't sure if
10 Kristie was shot.

11 Do you recall that?

12 A Yes.

13 Q Okay. Did Kristie ever complain
14 about being shot when you were driving to the
15 hospital?

16 A No.

17 Q Did you have any reason to
18 believe she was shot? Is there anything that
19 happened or that she said that she was hit?

20 A No.

21 Q You had an opportunity to listen
22 to the 911 recordings in this case?

23 A I think I might have. I don't
24 remember.

25 Q Okay. You were talking about

Thomas M. Moroughan

when -- I just want to take you to the time on February 27th when the blue Acura first goes around you.

Do you recall that?

A Yes.

Q That was at New York Avenue and West Hills?

A West Hills Road, yes.

Q He never struck your car; is that right?

A No.

Q That's correct?

A He never struck my car.

Q And then he proceeded in which direction down West Hills?

A Southwest.

Q Did you ever see him go up on any curb?

A No.

Q He stayed within his lane of travel as he proceeded away from you?

A I believe so, yes.

Q And then there came a time that you -- you recall there being some bright

1 Thomas M. Moroughan

2 lights flashing behind you?

3 A Yes.

4 Q And that car passed you?

5 A Yes.

6 Q You determined that to be a white

7 Acura?

8 MR. GRANDINETTE: Objection.

9 Q Excuse me. Go ahead.

10 A White Infiniti.

11 Q White Infiniti, thank you.

12 The white Infiniti, as that

13 continued to travel -- what direction on West
14 Hills?

15 A Southwest.

16 Q And did you ever see the white
17 Infiniti hit anything?

18 A No.

19 Q Did you ever see it leave the
20 roadway?

21 A No.

22 Q Did it maintain its lane of
23 travel?

24 A Don't recall.

25 Q When you first started yelling at

1 Thomas M. Moroughan

2 who you now know to be Officer DiLeonardo he
3 was still in his car, correct?

4 A Correct.

5 Q Did you ever make any type of
6 determination -- withdrawn.

7 You saw him get out of his car?

8 A Yes.

9 Q You saw him walk towards your
10 car?

11 A Yes.

12 Q When he got out of his car did he
13 fall down or anything?

14 A No.

15 Q Did you ever see him fall down
16 when he was walking towards your car?

17 A No.

18 Q The only time you saw him down on
19 the ground was after your car had knocked him
20 down, correct?

21 A Correct.

22 Q You saw officer -- at some point
23 you saw Officer Bienz out of his car?

24 A Yes.

25 Q You saw him walking towards your

1 Thomas M. Moroughan

2 car, correct?

3 A Yes.

4 Q You never saw him fall down,
5 correct?

6 A Correct.

7 Q You never made any type of
8 determination after Officer Bienz got out of
9 his car as to whether -- as to his sobriety;
10 is that fair to say?

11 A Correct.

12 Q When Officer DiLeonardo got out
13 of his car, you never made any type of
14 determination as to his sobriety, correct?

15 A False.

16 Q You made a determination as to
17 his sobriety?

18 A Yes.

19 Q When did you make a determination
20 as to his sobriety?

21 A When he smelled like alcohol when
22 he was beating the piss out of me.

23 Q You smelled alcohol?

24 A Yes.

25 Q From that you made a